MINUTES

LANCASTER COUNTY BOARD OF COMMISSIONERS TUESDAY, DECEMBER 14, 2004 COUNTY COMMISSIONERS HEARING ROOM, ROOM 112 FIRST FLOOR, COUNTY-CITY BUILDING 1:30 P.M.

Commissioners Present: Ray Stevens, Chair

Deb Schorr Bob Workman

Commissioners Absent: Bernie Heier

Larry Hudkins, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer

Bruce Medcalf, County Clerk

Kristy Mundt, Deputy County Attorney Trish Owen, Chief Deputy County Clerk

Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, December 7, 2004.

MOTION: Schorr moved and Workman seconded approval of the minutes of the Board

of Commissioners meeting dated December 7, 2004. Schorr, Workman and

Stevens voted aye. Motion carried.

2) PUBLIC COMMENT:

There was no public comment and the meeting proceeded as planned.

3) CLAIMS FOR REVIEW:

A. Payment Voucher 782-6786, dated November 16, 2004 - Families First and Foremost has requested payment to Christian Heritage, in the amount of \$1,937.50, for services provided during May, 2004. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

MOTION: Workman moved and Schorr seconded approval of Payment Voucher

782-6786, dated November 16, 2004 to Christian Heritage, in the amount of \$1,937.50. Workman, Schorr and Stevens voted aye. Motion carried.

3) CLAIMS FOR REVIEW CONTINUED:

B. Payment Voucher 782-6780, dated November 16, 2004 - Families First and Foremost has requested payment to Visinet, Inc., in the amount of \$330.96, for services provided between February, 2004 and July, 2004. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

MOTION: Schorr moved and Workman seconded approval of Payment Voucher 782-6780, dated November 16, 2004 to Visinet, Inc., in the amount of \$330.96. Workman, Schorr and Stevens voted aye. Motion carried.

C. Payment Voucher 782-6790, dated November 16, 2004 - Families First and Foremost has requested payment to Cedars Youth Services, in the amount of \$2,862.50, for services provided between February, 2004 and June, 2004. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

MOTION: Workman moved and Schorr seconded approval of Payment Voucher 782-6790, dated November 16, 2004 to Cedars Youth Services, in the amount of \$2,862.50. Workman, Schorr and Stevens voted aye. Motion carried.

D. Payment Voucher 782-6872, dated November 30, 2004 - Families First and Foremost has requested payment to Katy Hilgenkamp, in the amount of \$142.10, for foster care and respite services provided between June, 2004 and August, 2004. This claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

MOTION: Workman moved and Schorr seconded approval of Payment Voucher 782-6872, dated November 30, 2004 to Katy Hilgenkamp, in the amount of \$142.10. Workman, Schorr and Stevens voted aye. Motion carried

4) <u>CLAIMS:</u> Approval of all claims processed through Tuesday, December 14, 2004.

MOTION: Schorr moved and Workman seconded approval of all claims processed through December 14, 2004. Workman, Schorr and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS**:

The Chair requested that Public Hearing Items 5A and 5B be heard together.

A County Preliminary Plat 04023, Fisherman's Landing, requested by Brian D. Carstens and Associates on behalf of Pendel, Inc., for eleven residential acreage lots on property generally located northwest of the intersection of South 176th Street and Firth Road in Lancaster County, Nebraska.

5) **PUBLIC HEARINGS CONTINUED**:

B. County Special Permit 04049, Fisherman's Landing Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Pendel, Inc., for eleven residential acreages on property generally located northwest of the intersection of South 176th Street and Firth Road in Lancaster County, Nebraska.

The Chair opened the hearings and asked if anyone wished to testify.

The Clerk administered the oath to Brian Carstens appearing on behalf of Pendel, Inc..

Carstens gave a brief overview of the proposals stating there would be 11, three-acre lots. He said the proposal is around an existing Natural Resources District pond which has been located at South 176th Street and Firth Road for approximately 40 years. Carstens added that typical waivers including street lighting, sidewalks, street trees and landscape screening are in place.

The Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

6) OLD BUSINESS:

A. Clarification of an award of bid to Wick's Sterling Trucks, Inc. for four, 56,000 GVWR (LT7501) cab and chassis trucks for the County Engineering Department, in the amount of \$53,875 per truck, complete with Option 27 to include one each front wheelless tire and one each rear spare wheelless tire. Total amount of the award is \$216,400. (B-04-0055)

MOTION:

Schorr moved and Workman seconded to amend the original motion made on December 7, 2004 to include both a rear wheelless tire, as well as a front wheelless tire. Schorr, Workman and Stevens voted aye. Motion carried.

7) **NEW BUSINESS**:

The Chair requested New Business Items 7A and 7B be heard together.

A. A resolution in the matter of County Preliminary Plat 04023, Fisherman's Landing, requested by Brian D. Carstens & Associates, on behalf of Carolyn Jahde and Pendel, Inc. for eleven residential acreage lots on property generally located northwest of the intersection of South 176th Street and Firth Road in Lancaster County, Nebraska. (R-04-0150)

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B. A resolution in the matter of County Special Permit 04049, requested by Brian D. Carstens and Associates, on behalf of Carolyn Jahde and Pendel, Inc., to create eleven residential acreage units, on property generally located northwest of the intersection of South 176th Street and Firth Road in Lancaster County, Nebraska (R-04-0149)

MOTION: Schorr moved and Workman seconded approval of Resolution 04-0150 in the matter County Preliminary Plat 04023, Fisherman's Landing, and approval of Resolution 04-0149 in the matter of County Special Permit 04049, Fisherman's Landing Community Unit Plan. Workman, Schorr and Stevens voted aye. Motion carried.

C. An application for a Special Designated License from BDF, L.L.C. d/b/a Libations to provide liquor beverage service for a private New Year's Eve party on Friday, December 31, 2004 from 4 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams in Lancaster County, Nebraska.

Barry Franzen, applicant, appeared and stated the party would be by invitation only. He added he had no objections to the recommendations as outlined by the Sheriff and the County Engineer.

MOTION: Workman moved and Schorr seconded approval of an application for a Special Designated License from BDF, L.L.C. d/b/a Libations to provide liquor beverage service for a private New Year's Eve party on Friday, December 31, 2004 from 4 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams in Lancaster County, Nebraska subject to the inclusion of the recommendations as outlined by the Sheriff's Office. Schorr, Workman and Stevens voted aye. Motion carried.

D. A lease purchase agreement, resolution and related documents with the Nebraska Association of County Officials (NACO) Leasing Corporation for the acquisition of two, 2004 Chevrolet Express 15 passenger vans for the Lancaster County Community Mental Health Center. Term of the lease purchase agreement is December 16, 2004 through December 15, 2008. The principal is \$48,645 with an interest rate of three percent. Payment will be made semiannually, in the amount of \$6,497.66. (C-04-0598 and Resolution 04-0152)

MOTION: Workman moved and Schorr seconded approval of a lease purchase agreement, resolution and related documents with the Nebraska Association of County Officials (NACO) Leasing Corporation for the acquisition of two, 2004 Chevrolet Express 15 passenger vans for the Lancaster County Community Mental Health Center. Schorr, Workman and Stevens voted aye. Motion carried.

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E. An agreement with Progressive Construction L.L.C. to provide general contracting services in connection with a pre-fabricated vehicle storage facility at Cherrycreek Road, in the amount of \$372,220. The work will begin upon notice to proceed by Lancaster County and will be completed 126 calendar days after said notice is given which will be on or about December 15, 2004. (C-04-0601)

MOTION: Schorr moved and Workman seconded approval of an agreement with Progressive Construction L.L.C. to provide general contracting services in connection with a pre-fabricated vehicle storage facility at Cherrycreek Road, in the amount of \$372,220. Schorr, Workman and Stevens voted aye. Motion carried.

F. A contract with Midwest Roofing, Inc., in the amount of \$79,937, to re-roof the Lancaster County Extension Building at Cherrycreek Road. The work will begin upon notice to proceed by Lancaster County and will be completed 95 calendar days after said notice is given which will be on or about December 15, 2004. (C-04-0602)

MOTION: Workman moved and Schorr seconded approval of a contract with Midwest Roofing, Inc., in the amount of \$79,937, to re-roof the Lancaster County Extension Building at Cherrycreek Road. Workman, Schorr and Stevens voted aye. Motion carried.

G. An agreement with the State of Nebraska, Department of Roads for improvement of U.S. Highway 34 west of Lincoln; Project STPD-34-6(133). The County desires the State to improve Northwest 48th Street from U.S. Highway 34 to Wood Lawn and replace the existing bridge over Elk Creek. The County will reimburse the State, in the amount of \$8,307.50, for the acquisition of right-of-way. The County will also reimburse the State 15 percent of an estimated cost of \$811,000 for the construction of the new bridge over Elk Creek. (C-04-0603)

MOTION: Workman moved and Stevens seconded approval of an agreement with the State of Nebraska, Department of Roads for improvement of U.S. Highway 34 west of Lincoln; Project STPD-34-6(133). Workman, Schorr and Stevens voted aye. Motion carried.

H. An agreement with the State of Nebraska, Department of Roads to allow the State to use designated County roads, as provided in Exhibit "A", as a detour for the duration of Project EACSTPD-79-2(102) and STPD-BR-78-2(108), improvement of Highway N-79 south of Raymond and Highway N-79 north and south of Agnew. (C-04-0604)

7) <u>NEW BUSINESS CONTINUED:</u>

MOTION:

Workman moved and Schorr seconded approval of an agreement with the State of Nebraska, Department of Roads to allow the State to use designated County roads, as provided in Exhibit "A", as a detour for the duration of Project EACSTPD-79-2(102) and STPD-BR-78-2(108), improvement of Highway N-79 south of Raymond and Highway N-79 north and south of Agnew. Schorr, Workman and Stevens voted aye. Motion carried.

I. An agreement with the State of Nebraska, Department of Roads to allow the State to use designated County roads, as provided in Exhibit "A", as a detour for the duration of Project MISC-33-6(1016), culvert replacement on Highway N-33. (C-04-0605)

MOTION:

Workman moved and Schorr seconded approval of an agreement with the State of Nebraska, Department of Roads to allow the State to use designated County roads, as provided in Exhibit "A", as a detour for the duration of Project MISC-33-6(1016), culvert replacement on Highway N-33. Workman, Schorr and Stevens voted aye. Motion carried.

J. A grant contract with the Malone Community Center to assist in providing the "Talk My Father Never Had" Program, in the amount of \$5,000. Term of the grant contract is July 1, 2004 to June 30, 2005. (C-04-0606)

MOTION:

Workman moved and Stevens seconded approval of a grant contract with the Malone Community Center to assist in providing the "Talk My Father Never Had" Program, in the amount of \$5,000. Workman, Schorr and Stevens voted aye. Motion carried.

K. An interlocal agreement with the Lincoln-Lancaster County Railroad Transportation Safety District for funding for the specific phases of the Hickman Viaduct, Project C55-S-401(6). The County will be reimbursed for its services estimated at \$5,214,800. The agreement term will not exceed five years from the date of execution. (C-04-0608)

MOTION:

Schorr moved and Workman seconded approval of an interlocal agreement with the Lincoln-Lancaster County Railroad Transportation Safety District for funding for the specific phases of the Hickman Viaduct, Project C55-S-401(6). Workman, Schorr and Stevens voted aye. Motion carried.

L. A grant contract, in the amount of \$20,000, with the Court Appointed Special Advocates (CASA) for Lancaster County for training and materials to volunteers in order to match those volunteers with families currently on the waiting list in the Court Appointed Special Advocates (CASA) Program. Term of the grant contract is July 1, 2004 through June 30, 2005. (C-04-0616)

MOTION:

Schorr moved and Workman seconded approval of a grant contract, in the amount of \$20,000, with the Court Appointed Special Advocates (CASA) for Lancaster County for training and materials to volunteers in order to match those volunteers with families currently on the waiting list in the Court Appointed Special Advocates (CASA) Program. Workman, Schorr and Stevens voted aye. Motion carried.

M. A grant contract with CASA for Lancaster County for funding for the Court Appointed Special Advocates Program, in the amount of \$15,000. Term of the grant contract is July 1, 2004 through June 30, 2005. (C-04-0617)

MOTION:

Workman moved and Schorr seconded approval of a grant contract with CASA for Lancaster County for funding for the Court Appointed Special Advocates Program, in the amount of \$15,000. Workman, Schorr and Stevens voted aye. Motion carried.

N. An addendum to an agreement for appraisal services, under County Contract C-03-0596, for services of qualified professional appraisers to assist the Lancaster County Assessor/Register of Deeds Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2003 tax year. The addendum authorizes Great Plains Appraisal, Inc. to also process the TERC appeals for the 2004 tax year. (C-04-0607)

MOTION:

Schorr moved and Workman seconded approval of an addendum to an agreement for appraisal services, under County Contract C-03-0596, for services of qualified professional appraisers to assist the Lancaster County Assessor/Register of Deeds Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2003 tax year. The addendum authorizes Great Plains Appraisal, Inc. to also process the TERC appeals for the 2004 tax year. Workman, Schorr and Stevens voted aye. Motion carried.

O. An amendment to an agreement with Child Guidance Center, under County Contract C-04-0272, for professional behavioral health services to high need youth who are wards of the State residing in Lancaster County. The amendment decreases the compensation from \$215,177 to \$114,761.07. (C-04-0599)

MOTION:

Workman moved and Schorr seconded approval of an amendment to an agreement with Child Guidance Center, under County Contract C-04-0272, for professional behavioral health services to high need youth who are wards of the State residing in Lancaster County. Schorr, Workman and Stevens voted aye. Motion carried.

P. An amendment with Visinet, Inc., under County Contract C-04-0271, for wraparound services to youth who are wards of the State of Nebraska, Health and Human Services Eastern Service area. As a result of the increased number of youth being serviced, the County desires additional services from Visinet for behavioral health services. As a result, the parties wish to amend the compensation from \$260,542.33 to \$409,633.45. (C-04-0600)

MOTION:

Schorr moved and Workman seconded approval of an amendment with Visinet, Inc., under County Contract C-04-0271, for wraparound services to youth who are wards of the State of Nebraska, Health and Human Services Eastern Service area. Workman, Schorr and Stevens voted aye. Motion carried.

- Q. A resolution in the matter of authorizing the installation of an "Engine Braking Prohibited" sign on South Coddington Avenue, 1000 feet north of Denton Road for southbound traffic. (R-04-0151)
- MOTION: Workman moved and Schorr seconded approval of Resolution 04-0151 in the matter of authorizing the installation of an "Engine Braking Prohibited" sign on South Coddington Avenue, 1000 feet north of Denton Road for southbound traffic. Schorr, Workman and Stevens voted aye. Motion carried.
- R. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:
 - ► Alltel, in the amount of \$36.06, for telephone service at Midtown Center.
 - ► Midwest Door & Hardware, in the amount of \$1,900, for door hardware at the old Juvenile Detention Center.
 - ► Engineering Technologies, Inc., in the amount of \$12,872.98, for remodeling at the old Juvenile Detention Center.
 - ► TMCO Inc., in the amount of \$485, for ramp paint at Midtown Center.
 - ▶ David Wood Construction Inc., in the total amount of \$10,000, for installation of concrete and steel and general construction services.

Total payment request is \$25,294.04.

MOTION: Schorr moved and Workman seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund, in the total amount of \$25,294.04. Workman, Schorr and Stevens voted aye. Motion carried.

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S. Authorization for Nationwide Retirement Solutions to move all participant assets in the Fidelity Magellan Fund and the Waddell and Reed Advisor Accumulative Fund to the Davis New York Venture Fund for both the 401(a) Lancaster County Employee Pension Plan and the 457 Deferred Compensation Program. (C-04-0619 and C-04-0621)

MOTION: Workman moved and Schorr seconded approval to authorize Nationwide Retirement Solutions to move all participant assets in the Fidelity Magellan Fund and the Waddell and Reed Advisor Accumulative Fund to the Davis New York Venture Fund for both the 401(a) Lancaster County Employee Pension Plan and the 457 Deferred Compensation Program. Workman, Schorr and Stevens voted aye. Motion carried.

T. Ratification of the notice sent to pension and deferred compensation participants by Nationwide Retirement Solutions regarding investment changes. (C-04-0618)

MOTION: Workman moved and Stevens seconded ratification of the notice sent to pension and deferred compensation participants by Nationwide Retirement Solutions regarding investment changes. Schorr, Workman and Stevens voted aye. Motion carried.

U. Amendment of the State and Local Assistance Program Nebraska Cooperative Agreement between the Nebraska Emergency Management Agency and Lancaster County, increasing the Sub-Recipient grant amount under Grant #EMK-2004-GR-4004 by \$23,887.20.

MOTION: Schorr moved and Workman seconded approval of an amendment of the State and Local Assistance Program Nebraska Cooperative Agreement between the Nebraska Emergency Management Agency and Lancaster County, increasing the Sub-Recipient grant amount under Grant #EMK-2004-GR-4004 by \$23,887.20. Schorr, Workman and Stevens voted aye. Motion carried.

8) <u>CONSENT ITEMS</u>: These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

- 1. County Assessor/Register of Deeds Monthly Report for November, 2004.
- 2. Records and Information Management's Monthly Report for November, 2004.
- 3. Sheriff's Report of Fees for October, 2004.
- 4. Lincoln City Libraries Director's Report for November, 2004.

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8) **CONSENT ITEMS CONTINUED:**

- B. Setting of a public hearing for Tuesday, January 4, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding City-County Final Plat 04121, Timberline Estates 2nd Addition, requested by Daryl Breyer, consisting of two lots on property generally located at Southwest 56th Street and Pine Knot Drive.
- C. Request from April Tweedie, an employee at Lancaster Manor, to voluntarily participate in the County's Retirement Plan having met the requirements.
- D. A leasehold contract relating to road construction between the Lancaster County Engineering Department and Doug Johnson, in the amount of \$10, at South 162nd Street and Old Cheney Road; Project C55-Q-407(2). (C-04-0609)
- E. Right-of-way contracts relating to road construction between the Lancaster County Engineering Department and the following individuals:
 - ► University of Nebraska, Board of Regents, at Northwest 70th and West Superior Streets; Project C55-M-407(1). These are donations. (3 contracts) (C-04-0610 through C-04-0612)
 - ► Robert L. Bremer, in the total amount of \$4,316.50, at South 162nd Street and Old Cheney Road; Project C55-Q-407(2). (3 contracts) (C-04-0613 through C-04-0615)

MOTION: Schorr moved and Workman seconded approval of the Consent Items. Schorr, Workman and Stevens voted aye. Motion carried.

9) OTHER BUSINESS:

MOTION: Workman moved and Schorr seconded to change the date of public hearings regarding County Change of Zone 04074, County Special Permit 04058, Lakewood Hills Community Unit Plan, County Preliminary Plat 04028, Lakewood Hills and County Final Plat 04126, Lakewood Hills, from Tuesday, December 21, 2004 to Tuesday, January 18, 2005 at 1:30 p.m..

Workman indicated his reason for making the motion was because all five of the commissioners would not be present until that date.

ROLL CALL: Workman, Schorr and Stevens voted aye. Motion carried.

It was also noted no staff meeting would be held on Thursday, December 16, 2004, due to lack of a quorum.

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10) ADJOURNMENT:

MOTION: Schorr moved and Workman seconded adjournment of the Board of

Commissioners meeting at 2:12 p.m.. Workman, Schorr and Stevens voted

aye. Motion carried.

Bruce Medcalf County Clerk

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MINUTES LANCASTER COUNTY BOARD OF EQUALIZATION TUESDAY, DECEMBER 14, 2004 COUNTY COMMISSIONERS HEARING ROOM, ROOM 112 FIRST FLOOR, COUNTY-CITY BUILDING IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners Present: Ray Stevens, Chair

Deb Schorr Bob Workman

Commissioners Absent: Bernie Heier

Larry Hudkins, Vice Chair

Others Present: Norm Agena, County Assessor/Register of Deeds

Kerry Eagan, Chief Administrative Officer

Bruce Medcalf, County Clerk

Kristy Mundt, Deputy County Attorney Trish Owen, Chief Deputy County Clerk

Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:12 p.m..

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 7, 2004.

MOTION: Schorr moved and Workman seconded approval of the minutes of the Board

of Equalization meeting dated December 7, 2004. Schorr, Workman and

Stevens voted aye. Motion carried.

2) PUBLIC COMMENT:

There was no public comment and the meeting proceeded as planned.

3) ADDITIONS AND DEDUCTIONS:

Approval of 119 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Schorr seconded approval of the additions and

deductions to the tax assessment rolls. Workman, Schorr and Stevens voted

aye. Motion carried.

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4) MOTOR VEHICLE TAX EXEMPTIONS:

Lincoln Christian School St. Mark's United Methodist Church

MOTION: Workman moved and Schorr seconded approval of the motor vehicle tax

exemptions. Workman, Schorr and Stevens voted aye. Motion carried.

5) NOTICE OF ASSESSED VALUATION CHANGE:

North Hills LTD Partnership

Norm Agena, County Assessor/Register of Deeds, explained that the Board of Equalization would be giving authorization to mail notice to the property owner regarding the assessed valuation change. He added that the taxpayer would have 30 days from the date of the notice to protest the value.

MOTION: Workman moved and Schorr seconded approval of mailing an assessed

valuation change notice to North Hills LTD Partnership. Workman, Schorr

and Stevens voted aye. Motion carried.

6) PROPERTY VALUATION PROTESTS RELATING TO NOTICES OF ASSESSED VALUATION CHANGE:

Kenters Investments L.L.C. (2 protests)

Agena recommended that the protests for Parcel I.D. # 10-26-322-023-000 and Parcel I.D. # 10-26-322-015-000 be approved and to reduce the value to \$10,800 for each parcel.

MOTION: Workman moved and Schorr seconded to accept the recommendation of the

Assessor/Register of Deeds and approve the protests for Kenters

Investments L.L.C. (Parcel I.D. #10-26-322-023-000 and Parcel I.D. #10-26-

322-015-000) and to reduce the value to \$10,800 for each parcel.

Workman, Schorr and Stevens voted aye. Motion carried.

7) ADJOURNMENT:

MOTION: Schorr moved and Workman seconded adjournment of the Board of

Equalization meeting at 2:15 p.m.. Workman, Schorr and Stevens voted

aye. Motion carried.

Bruce Medcalf County Clerk

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